

REMARKS

Applicants respectfully request entry of the amendments herein. In particular, Applicants respectfully submit that the final Office Action mailed May 16, 2005 (hereinafter "final Office Action") was premature, as the final Office Action raised new grounds (i.e., citation of a new portion of Lee; see page 7 of the final Office Action) that were neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in. See MPEP § 706.07(a). Accordingly, Applicants request that the finality of the rejections be withdrawn and that the amendments herein be entered. In the alternative, Applicants request entry of the present amendments as they place the claims in condition for allowance and/or in better form for appeal.

Claim 1 stands rejected as being anticipated by U.S. Patent No. 6,391,769 to Lee et al. (hereinafter "Lee"). The Advisory Action mailed August 15, 2005 (hereinafter "Advisory Action") appears to assert that multiple layers shown in the structures shown in FIGs. 1-9 and 11-13 of Lee in combination correspond to the "metal-containing layer conforming to a surface of the recess and to an adjacent surface of the substrate" recited in pending Claim 1. Applicants have amended Claim 1 to clarify that a "continuous metal-containing layer conforming to a surface of the recess and to an adjacent surface of the substrate" is formed, and that this continuous layer is plasma treated. In contrast, the only continuous metal-containing layers shown in the cited figures from Lee that conform to the recess and portions of the dielectric adjacent thereto (e.g., layers 107, 109 and 110 shown in FIG. 2) do not appear to be plasma treated. Column 10, lines 35-50 of Lee, cited in the final Office Action as teaching the recited plasma treatment, describes plasma treatment of discontinuous layers that do not conform to both the recess and the adjacent surface of the dielectric, i.e., the aluminum layer 111 ("formed only on the non-recessed region of the interdielectric pattern 105"). Accordingly, Applicants submit that Lee does not disclose or suggest the recitations of amended Claim 1.

Applicants submit that amended Claim 1 is patentable for at least the reasons herein, and that the dependent claims are patentable at least by virtue of the patentability of amended

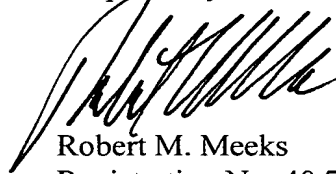
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independent Claim 1 and for at least the reasons presented in the remarks in Applicants' Amendment and Request for Reconsideration of July 13, 2005, which are incorporated herein by reference in the interest of brevity.

Conclusion

Applicants submit that the present application is in condition for allowance for at least the reasons discussed above, and respectfully request allowance of the claims and passing of the application to issue. Should the Examiner have any matters outstanding of resolution, she is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,



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